

## REGULAR MEETING

April 18, 2019

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 18, 2019 at 7:00 PM.

**Those present:** Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild  
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis Treasurer –  
Richard D. Fortunato

**Others identified:** PO Valerio-CPD, Beverly Miller, Allison Crowther

### POLICE REPORT – PO Valerio appeared before the Board

Discussion: There were 58 calls for service since the last meeting. Majority were burglar alarms and two parking tickets; There were 2 heroin overdoses to the same individual on different dates-Narcan was administered. There have been 15 ODs in the county resulting in 3 deaths.

SCAMS: house painting, roof repair, IRS. PO Valerio noted that County Laws can be used and tickets written by CPD and equipment used in a scam can be confiscated.

Also discussed, there will be a protest by a group called Black Smoke Matters, up to April 20<sup>th</sup> which may interrupt traffic in the area.

### PROCLAMATION for JEFFERSON CROWTHER

The Village Clerk read the proclamation.

#### *PROCLAMATION*

At the Regular Meeting of the Board of Trustees of the Village of Upper Nyack held in Village Hall, 328 North Broadway, Upper Nyack, NY on Thursday, April 18, 2019, at 7:00 PM, the following were present: Mayor Karen A. Tarapata, Trustee & Deputy Mayor Michael Esmay, Trustee Joseph P. Diamond, Trustee Laurie Dodge and Trustee Kennon Rothchild III it was proclaimed that;

**WHEREAS**, the vitality of a community depends largely on the spirit, pride, and involvement of its citizens; and

**WHEREAS**, community spirit and pride are often reflected in service rendered to the community; and

**WHEREAS**, Jefferson Crowther had embodied the ideals of community service for many years, and

**WHEREAS**, Jefferson was a natural leader and had involved himself in community activities designed to advance human dignity; and

**WHEREAS**, Jefferson was a resident of Rockland County and had lived in Upper Nyack for thirty five years; and

**WHEREAS**, Jefferson lived in Upper Nyack with his wife Allison Remy Crowther and together they raised their children Welles, Honor and Page; and

**WHEREAS**, Jefferson was appointed as member of the Planning Board in 1993 & 1995 and then the Architectural Review Board in 1998 where he served for over 25 years combined; and

**WHEREAS**, Jefferson served as a volunteer firefighter in the company of Empire Hook & Ladder Company #1; and

**WHEREAS**, it is the sense of this legislative body to publicly recognize those individuals who have distinguished themselves as outstanding citizens in their community; and

**NOW, THEREFORE, BE IT RESOLVED**, that this legislative body pause in its deliberations to honor Jefferson Crowther on the occasion of his outstanding community service and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to Allison Remy Crowther

By the order of the Board of Trustees, April 18, 2019

Karen A. Tarapata, Mayor; Michael Esmay, Deputy Mayor/Trustee; Joseph P. Diamond, Trustee; Laurie Dodge, Trustee

Kennon Rothchild III, Trustee

### **FILM TAX CREDIT**

Trustee Rothchild invited Beverly Miller, President of the United Scenic Artists, Local 829 to appear before the Board to let the Board know how much the film tax credit benefits the workers and our community. A tremendous number of film union members live in this county. The letter from the Board could be used as a model for other municipalities. (letter attached)

Trustee Rothchild made a motion to accept this letter as presented before the Board, and to send the letter to Assemblyman Zebrowski and Senator Carlucci, seconded by Trustee Dodge and so moved.

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

NOES: None

**TREASURER'S REPORT** – Treasurer Fortunato submitted the report for review.

Discussion: Treasurer Fortunato requested approval from the Board to make a payment on 05/01/19 for the DPW Improvement Bond.

Trustee Esmay made a motion to authorize the Treasurer to pay the DPW Serial Bond of \$60,000.00 to principal and \$17,031.25 in interest, seconded by Trustee Dodge and so moved.

On a call for a vote:

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

NOES: None

Discussion: HHCP- Cost of repairs and reimbursement by Chubb insurance.

### **7:30 PM - Public Hearing- Tentative Budget -2019-2020**

The Village Clerk read the public hearing notice.

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

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

NOES: None

The Mayor opened the public hearing.

No one from the public attended

Trustee Rothchild motioned to close the public hearing which was seconded by Trustee Dodge and it was so moved

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

NOES: None

Discussion: The Board did not make any changes to the draft budget and moved forward to adopt the budget as presented.

Trustee Diamond motioned to adopt the Budget for 2019-2020 as proposed, seconded by Trustee Esmay and with no further discussion, it was so adopted. On a call for a vote:

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

NOES: None

Adopt salary & overtime rates

Trustee Esmay made a motion that the Board adopt the salary and overtime rates as presented to the Board, seconded by Trustee Rothchild and so moved.

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

NOES: None

VOUCHERS – Read and approved for payment.

RESOLUTION-ROCKLAND COUNTY INTERMUNICIPAL SHARED SERVICES

AGREEMENT- After a brief discussion about the insurance requirements needed to sign the agreement, Trustee Esmay made a motion that the Village of Upper Nyack enter into the agreement and approve the signing of said agreement by the Mayor, seconded by Trustee Rothchild and so moved.

On a call for a vote:

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

NOES: None

MINUTES –

**Regular Meeting 03/21/19** – Trustee Esmay made a motion to accept the minutes of March 21, 2019 regular meeting, seconded by Trustee Diamond and so moved. On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond & Esmay

NOES: None ABSTAIN: Trustees Dodge & Rothchild (not in attendance at meeting of 3/21/19)

**Annual Meeting 04/01/19** – Trustee Dodge made a motion to accept the minutes of April 1, 2019 annual meeting, seconded by Trustee Rothchild and so moved. On a call for a vote:

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

NOES: None

SUMMIT SCHOOL

Request for approval – 5K Walk/Run

The Principal of the Summit School at Nyack requested permission to hold a Walk/Run on Wednesday, May 22, 2019 (rain date 5/23/19) on North Broadway from approximately 10 am until 11:30. The Clarkstown Community Police Officers will be in

attendance to monitor for safety.

Trustee Dodge made a motion that the Board of Trustees grant approval for the Summit School 5K Walk/Run, Wednesday, May 22, 2019, 10 am until 12 noon, and that they provide a Certificate of Insurance, seconded by Trustee Rothchild and it was so moved.

On a call for a vote:

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

NOES: None

Discussion – Board discussed considering adding legislation that would provide “Full and fair disclosure of all privately held and/or non-publically traded entities making land use applications before the Village to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties” After a brief discussion, the Board decided the Mayor would contact NYCOM to get further information on adopting legislation that would require such disclosure.

#### COMMUNITY CHOICE AGGREGATION

The Board discussion adopting enabling legislation that would become a law under the general code. An administrator would need to be selected.

Trustee Rothchild made a motion to set a public hearing for May 16, 2019, to adopt proposed enabling legislation for Community Choice Aggregation, which would provide renewable energy choices for residents, seconded by Trustee Diamond and so moved.

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

NOES: None

Discussion – Request by Julianna Benedick, 204 Highmount Ave, to have trees removed from the Village right of way located on Front St, along the easterly end of her property After discussion, Mayor Tarapata will discuss with the arborist for a report before any decision is made whether to remove any trees.

#### EXECUTIVE SESSION:

**8:42 PM** Trustee Diamond made a motion that the Board enter into Executive Session.

Trustee Rothchild seconded and it was so moved.

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

NOES: None

DISCUSSION: Various legal matters

**9:30 PM** Trustee Rothchild made a motion that the Board exit Executive Session.

Trustee Diamond seconded and it was so moved.

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

NOES: None

Trustee Esmay made a motion to authorize the Mayor to sign the Rubbish Removal Contract with Carlo Minuto Carting Co., Inc., retroactive to June 1st, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild  
NOES: None

Trustee Diamond made a motion to adjourn, seconded by Trustee Rothchild and so moved The meeting adjourned at 9:32 PM.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay &  
Rothchild  
NOES: None

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

**MAYOR**  
Karen A. Tarapata

**DEPUTY MAYOR**  
Michael Esmay

**TRUSTEES**  
Joseph P. Diamond  
Donna L. Nye  
Kennon Rothchild III

## **VILLAGE OF UPPER NYACK**

**328 NORTH BROADWAY**  
**UPPER NYACK, NEW YORK 10960**  
★ INCORPORATED 1872 ★

Tel. 845-358-0084 • FAX. 845-358-0741  
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**VILLAGE CLERK**  
Carol G. Brotherhood

**DEPUTY VILLAGE CLERK**  
Donna Albert

**TREASURER**  
Richard D. Fortunato

**VILLAGE ATTORNEY**  
Robert P. Lewis

April 24, 2019

Assembly Kenneth P. Zebrowski  
67 North Main St., 2<sup>nd</sup> Floor  
New City, NY 10956

Dear Assemblyman Zebrowski:

We, the Village of Upper Nyack Board of Trustees, wish to express our recognition and thanks for your support of the continuation/extension of NY State Film Production Tax Credit Program.

This tax incentive program has been critical in growing an industry central to New York's identity as a cultural center of the United States. Prior to the passage of this program, film and television companies were taking their productions to other states or countries. This was in spite of the fact that the New York contained the most numerous, experienced, and accomplished labor pool for this industry, rivaled only by the industry's counterpart in Los Angeles. The effect of this prior migration was devastating, as not only were front line workers (shops, studios, production workers) faced with loss of work, but also many in the supporting industries such as catering, trucking, building materials, retail, etc. were faced with decreasing business and revenue, with negative effects on the state's tax revenues.

With the creation of the NY State Film Production Tax Credit Program, much production work returned to New York, benefitting all of the above, including supporting industries even though they are not direct beneficiaries of the program.

In our Village, many of our residents are involved in the film and television industry, and we support them in their desire to have good paying work with good benefits. Additionally our Village and its residents are indirect beneficiaries of the tax incentive program, as film and television production companies have on numerous occasions filmed in our Village. The film permit fees we charge are an important part of our village's revenue stream, and help to reduce the property taxes we charge our residents. Needless to say, if that production work went elsewhere, we would not receive this valuable additional addition to our revenue.

The Village is grateful for your support and asks that during upcoming legislative sessions, you continue to strongly support any legislative actions aimed at continuing the NY State Film Production Tax Credit Program, including stressing its importance to state leadership.

Thank you.

Sincerely,

  
Karen A. Tarapata, Mayor

Joseph Diamond, Trustee  
Laurie Dodge, Trustee  
Michael Esmay, Trustee  
Kennon Rothchild III, Trustee

**MAYOR**  
Karen A. Tarapata

**DEPUTY MAYOR**  
Michael Esmay

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April 24, 2019

Senator David Carlucci  
20 South Main St.  
New City, NY 10956

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