

REGULAR MEETING

January 17, 2019

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, January 17, 2019 at 7:00 PM.

Those present: Deputy Mayor & Trustee Esmay, Trustees Diamond, Nye & Rothchild

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

Absent: Mayor Tarapata

Others identified: PO Paul Valerio-CPD; Paul Rozsypal-Code Enforcement Officer, Roy Wanamaker-Building Inspector, Jerome Marton

POLICE REPORTS – PO Valerio appeared and presented the CPD report to the Board. The following was noted or discussed:

From 12/20/18 to 1/16/19 there were 117 calls for service in Upper Nyack. 49 were medical emergencies.

A robbery of a taxicab driver occurred at Highmount Ave and N Broadway. The passenger took the cab from Spring Valley to U.N. and robbed the driver at knifepoint when he got to his destination. The police were able to identify and apprehend the assailant.

Hit and run accident at the intersection of Christian Herald Rd and Route 9W, heading west, driver rear-ended the car and then drove around the vehicle. Driver was found and ticketed.

5 V&T were issued; 4 overnight parking tickets were issued.

PO Valerio noted that Lt. Morgan will be retiring and that Lt. Smith would be taking over but that he is away right now.

Lt. Fratianni became the 1st woman Lt. in the CPD department.

TREASURER'S REPORT – Treasurer Fortunato submitted the report for review. Discussion: Status of Insurance claim at the HHCP.

Trustee Nye made a motion that the Village increase the Medicare Part B reimbursement payments by \$1.50 to bring the increase to \$135.50 per month for the 3 retirees, seconded by Trustee Rothchild and so moved.

AYES: Deputy Mayor & Trustee Esmay, Trustees Diamond, Nye & Rothchild

NOES: None

ABSENT: Mayor Tarapata

Treasurer Fortunato noted the Village had received and paid the annual Solid Waste Management Authority tax bills
VOUCHERS – Read and approved for payment.

NOISE ORDINANCE-

Deputy Mayor Esmay noted that the Board was not prepared to set a public hearing tonight, but intended to discuss what might be included in a noise ordinance. The Village Building Inspector and Code Enforcement Officer were present at the meeting.

Deputy Mayor asked the Paul Rozsypal, Code Enforcement Officer (CEO) what happens in Nyack and is their noise ordinance enforceable. Mr. Rozsypal indicated that the Nyack code addresses decibel levels. A reader is used which must be calibrated (at the factory where it is made) and the user must be trained and certified to operate the reader device.

In Nyack they try to work with the property owner to get compliance with an “order to remedy” before issuing an appearance ticket. If there is difficulty in getting the property owner to comply, Mr. Rozsypal stated he would visit the site with a police officer.

Nyack has hours of operation (8am-6pm, M-F and 9am-6pm, Sat/Sun & Major holidays) for construction

Trustee Nye noted that the Town of Clarkstown uses hours of operation. C.E.O Rozsypal suggested using hours of operation and not decibels because of the difficulty in enforcing and prosecuting.

Roy Wanamaker, Village Building Inspector noted that he and C.E.O Roszypal (Paul) have a mandatory 24 hours of update and training annually for all building inspectors and code enforcement officers.

Trustee Rothchild feels it is not unreasonable to provide quiet enjoyment at least some time during the week and also that noise is a health concern. The Comprehensive Plan Committee will be looking at that along the 9W corridor while updating the comprehensive plan. Deputy Mayor Esmay agreed.

Village Attorney Lewis said the Village Board could consider a law that incorporates both hours of operation and decibels.

Trustee Nye questioned whether the village should differentiate between commercial and residential.

Deputy Mayor Esmay thinks the law should have decibels.

Jerome Marton, 2 Castle Heights Ave. thinks the law should include decibels.

The Deputy Mayor and Board thanked Roy Wanamaker and Paul Rozsypal for coming in and meeting with the Board.

SAFETY COMMITTEE: No incidents or issues to report at this time. The Village

is complying with all requests of Comp Alliance and NYMIR.

After a brief discussion, the Board approved requested changes by Comp Alliance to be included in the Employee Handbook:

- * No cell phone use while driving Village vehicles

- * Seatbelts must be worn in any village vehicle an employee drives or is a passenger in

All Board members present were in agreement to adopt the amendments to the Employee Handbook.

MINUTES – Regular Meeting, December 20, 2018

Trustee Nye made a motion to approve the minutes, as amended, for the **12/20/2018 Regular meeting**, seconded by Trustee Diamond and so approved.

AYES: Deputy Mayor & Trustee Esmay, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Mayor Tarapata

Grievance will be held on Thursday, February 21, 2019 from 4 pm to 8 pm.

Trustee Nye made a motion to adjourn, seconded by Trustee Diamond and so moved.

The meeting was adjourned at 8:50 PM.

AYES: Deputy Mayor & Trustee Esmay, Trustees Diamond, Nye & Rothchild

NOES: None

ABSENT: Mayor Tarapata

Respectfully submitted,

Carol G. Brotherhood,
Village Clerk