

REGULAR MEETING

April 19, 2018

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 19, 2018 at 7:00 PM.

Those present: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

Absent: Trustee Esmay

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

Treasurer – Richard D. Fortunato, Assessor Cathy Conklin

Others identified: Lt Morgan-CPD, Jen Patuto, Paul Wanamaker, Bob Stein, Peter Lang, Anthony Marinello, Peter & Debra Samoylo, Hilarie Blumenthal, Susan McWhinney, Addison Chappell, Michael Shutzbank, Tom Kelley, Matt Kelley, Marion Shaw, Fred Shaw, Vincent Donzella, Debbie Bell, Petrina Acevedo, Robert Helmke

Board of Assessment Review – Cathy Conklin

The Assessor noted that the property at 521 North Broadway, 60.10-01-18 had transferred on April 4, 2018 from Fellowship of Reconciliation (FOR) (exempt) to Sean & Liliane Scully (taxable) A notice was sent returning the property to taxable status from exempt. The Assessor recommends to place back on the tax roll for June 1, 2018. In 2019 additional land purchased from the neighboring property will be added.

Trustee Diamond motioned that the FOR property be returned to taxable status for 2018, seconded by Trustee Nye and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

REQUEST FOR STREET CLOSING – UNES PTA “Earth Fest”

Friday, May 11, 2018

Trustee Rothchild made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA “Earth Fest” from 12:30 PM to 2:45 PM on Friday, May 11, 2018 and that they provide a Certificate of Insurance, seconded by Trustee Diamond and so approved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

The Upper Nyack PTA will notify the residents of North Broadway, Perry Lane, Tompkins Court and lower Castle Heights Avenue of the closing by letter using the sample letter provided and sign an affidavit that such mailing took place.

The Clerk will notify the Clarkstown Police liaison officer so that auxiliary police can be provided along with barricades to block off the street.

POLICE REPORT – Lt. Morgan appeared before the Board to provide the report.

Discussion: Summit School- Incident: A prior student who attend 15 years ago made several threatening phone calls to a current staff member. CPD were contacted and the individual making the threats was tracked to Suffolk County on LI. The local police were alerted and they went to the former student's home and found a cache of weapons and bullet proof vests. He was arrested and being evaluated. He was charged with numerous felonies.

Other items discussed were a burglary on Center Ave.; Clarkstown Swap & Shop- Individual comes to the house to buy an item from you and they enter the home and homeowner later discovers something missing. Police advise to always meet in a public place. CPD is considering making a permanent 3rd party location for people to meet such as the CPD parking lot.

School Speed Sign: Damaged in the storm on March 2, 2018. Estimate for new sign is \$5,999-\$6,000.

Lt. Morgan noted that the sign was funded by the CPD with money forfeited in a crime. The Mayor noted the village would not contribute to a new sign. The CPD will search for the funding for the repair.

Mayor Tarapata requested the Mobile Speed sign be placed on Castle Heights Ave. Lt. Morgan noted he would add the Village to the list.

SUMMIT SCHOOL

Request for approval – 5K Walk/Run

The Principal of the Summit School at Nyack requested permission to hold a Walk/Run on Thursday, May 24, 2018 on North Broadway from approximately 10 am until 12 Noon. The Clarkstown Community Police Officers will be in attendance to monitor for safety.

Trustee Nye made a motion that the Board of Trustees grant approval for the Summit School 5K Walk/Run, Wednesday, May 24, 2017, 10 am until 12 noon, and that they provide a Certificate of Insurance, seconded by Trustee Diamond and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

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

VOUCHERS – Read and approved for payment.

Discussion: Treasurer Fortunato requested approval from the Board to make a payment on 05/01/18 for the DPW Improvement Bond.

Trustee Diamond made a motion to authorize the Treasurer to pay the DPW Serial Bond of \$55,000 to principal and \$17,891 in interest, seconded by Trustee Rothchild and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

The Treasurer discussed that the village was still waiting on the Telecommunications Ceiling from the State and the tax warrant would have to be adjusted. The Assessor noted she might have it by the beginning of next week and will make a call on Friday to get further information.

Assessor Conklin explained that the local assessor still assesses the property but the State says what the “ceiling” is. The difference is the exemption used.

7:30 PM - Public Hearing- Tentative Budget -2018-2019

The Village Clerk read the public hearing notice.

Mayor Tarapata read the following statement:

Tonight we are adopting a Village budget for 2018-2019, so let’s talk about property taxes before we begin.

The property tax bill that we all get from Clarkstown includes police protection, streetlights, recycling, the library, and the fire department.

The school tax bill is what we pay forward for our children, the future of our community and the health of our economy.

Those two bills make up nearly 90% of our total property taxes.

The remaining 10% is for Village taxes, which pay for street cleaning, street tree maintenance, snow clearance, paving and road repairs, our sidewalks, sewage treatment, trash pick-up, leaf pick up, bulk pick up, building inspection and compliance, and the amazing record-keeping and assistance provided by our part-time Village Hall staff. None of your taxes go to your elected Village Officials, or to the members of the various Boards of the Village, all of whom volunteer their time and energy on your behalf.

We believe that you get a lot of services for a small amount of money.

Tonight, we are looking to the future of the Village by adding an important amenity for residents – a Village Park.

This park will provide us with a village green, a gathering place, something special that we can share as a community, for now and forever. It will protect the green heart of the village, help us to retain the semi-rural nature of the Village and give us a place for quiet enjoyment of nature.

This will be our park, a place for Village residents to walk or bike to, with a few parking spaces primarily for the handicapped and none close to N. Broadway. It is not intended to be an extension of Nyack Beach State Park or the Hook. We could issue parking hangtags for the cars of Village residents. There are many things that this park could feature over time and we, as a community, will decide what those features will be. There could be a sledding hill, a skating pond, an arboretum, benches and picnic tables, a walking and biking path, a sculpture garden, a small outdoor stage for music or other performances. However, I want to caution everyone that visible progress will be slow the first year. It will be spent clearing the property of dangerous objects and obstacles, both natural and manmade, in order to provide a safe environment for future visitors. The first year will give a committee of interested residents - to be convened after the purchase is complete – time to help develop a long-term plan for the property.

There are several buildings on the land including a remarkable fieldstone barn. Assemblyman Zebrowski has already pledged \$50,000 to repair the building. What happens to the other buildings on the property will ultimately depend on their condition. We are buying this property to retain open space

in the Village and the land alone is worth the price.

To conclude, tonight we are raising Village taxes 10% to buy this property, but that translates to about 1% of your total property tax bill. As your elected Village officials, we believe that this is a worthy project.

Thank you.

The Mayor opened the public hearing.

Trustee Nye made a motion, seconded by Trustee Diamond and so moved. AYES:

Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

Several people from the public spoke:

Susan McWhinney, Peter Lang, Bob Stein, Tom Kelley, Paul Wanamaker, Peter & Debra Samoylo, Michael Shutzbank, Matt Kelley, Petrina Acevedo, Robert Helmke, Debbie Krikun

While many attending the meeting spoke in favor of the Village purchasing the property and were extremely thankful to the Board for moving forward with the purchase, there were residents who were very concerned that the village could not afford the purchase and would indebt future generations of the village. Other issues of those opposing were concern with the motives of those on the committee choosing the ideas for the use of the property. It was also noted that if grant money were used for improvements that the village may not be able to make the park only for the use by its residents. Another big concern was parking on the surrounding streets.

It was suggested that volunteers from the community would be needed in the future for the project. Some speakers felt it would increase property values of those who lived nearby.

Mayor Tarapata noted that the purchase and bonding of the property were subject to permissive referendum and which allowed for a petition brought forth to the village with signatures of 20% of the registered voters from the last village election to bring the decision to a public vote. The bond resolution will be published in the paper and posted in the village. The 30 day clock starts tonight.

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

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

Trustee Diamond motioned to adopt the Budget for 2018-19 as proposed, seconded by Trustee Rothchild and with no further discussion, it was so adopted.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

Susan McWhinney questioned what happens next? The steps for the passing of the Bond resolution were explained to the public.

SEQRA

The Mayor and Village Attorney read aloud the questions on the Short Environmental Form as prepared by the Village Engineer. The Mayor answered all questions on Part 1 and Part 2.

A resolution adopting a determination of no significant environmental impact under the provisions of 6NYCRR Part 617 State Environmental Quality Review for Acquisition of Property for General Municipal Purposes for 626 North Broadway, Tax Lot 60.05-02-27 was made by Trustee Nye and seconded by Trustee Diamond and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

(Document on file in the office of the Village Clerk)

BOND RESOLUTION

Trustee Rothchild offered the following resolution (attached and on file in the office of the Village Clerk), seconded by Trustee Nye and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

The Board, Treasurer and Assessor discussed retroactive exemptions.

The Village will be exempt on the next tax roll. The Village must obtain a copy of the approved application except the acquisition date which is not by the taxable status date. There will need to be Special Legislation by Senators Carlucci and Zebrowski. The Village will get reimbursed for the payment June, Sept. and Jan. 2019.

RESOLUTION – Cornell Cooperative Extension Rockland County 2018 – March 31, 2019 Stormwater II Education Program Agreement

Trustee Rothchild made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2018 Stormwater Education Program and with the signing by the Mayor, authorize payment of the \$1000 annual fee, seconded by Trustee Nye and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

MINUTES –

Regular Meeting 03/08/18 – Minutes not available. Held over until next regular meeting.

Annual Meeting 04/02/18 – Trustee Rothchild made a motion to accept the minutes of

April 2, 2018 Annual meeting, seconded by Trustee Nye and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

VILLAGE OF UPPER NYACK EMPLOYEE HANDBOOK

Mayor Tarapata thanked Trustees Nye and Rothchild for all their hard work and efforts to put together the handbook. Trustee Nye noted that hiring an attorney with expertise in Labor Law was extremely helpful.

Trustee Nye made a motion that the Board adopt the Village of Upper Nyack Employee Handbook, seconded by Trustee Rothchild and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

EXECUTIVE SESSION:

8:55 PM Trustee Rothchild made a motion that the Board enter into Executive Session.

Trustee Nye seconded and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

DISCUSSION: Legal matters

9:19 PM Trustee Rothchild made a motion that the Board exit Executive Session.

Trustee Nye seconded and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

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

The meeting adjourned at 9:08 PM.

AYES: Mayor Tarapata, Trustees Diamond, Nye & Rothchild

NOES: None ABSENT: Trustee Esmay

Respectfully submitted,

Carol G. Brotherhood

Village Clerk