

## REGULAR MEETING

October 18, 2018

The Regular monthly meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 18, 2018 at 7:00 PM.

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

**Absent:**

**Others identified:** Clarkstown Police Dept: PO Valerio, PO J. Kennedy, Captain Wanamaker, Sgt. James McCormick, Robert Picardi, Morton Korn, Alan Englander, Hilarie Blumenthal, Michael Shutzbank, Ruby Shutzbank, Phonda Fleischer, Allison Chappell, Ken Graefe Jr.,

POLICE REPORTS – Officer Valerio attended. PO Valerio introduced PO Jacqueline Kennedy the new Community Police Officer. Officer Kennedy presented the report.  
Discussed:

Calls for service: 41 medical, 16 school checks, accidents-2 without injury and 4 with injuries and 16 V&T.

There was a report of: 1) a woman sleeping on the Nyack Field Club property (not found) 2) harassing phone calls 3) attempted fraud via text asking for credit card info 4) SCAMS: IRS, grandchild in trouble 5) car larcenies-keep cars locked & valuables out of view or not in car at all.

Coffee with a Cop events on Oct 3<sup>rd</sup> & 6<sup>th</sup> were very successful with lots of positive feedback.

Mayor Tarapata informed Capt. Wanamaker that the Village had requested a CP Officer to be present at a meeting and no one showed up. Capt. Wanamaker asked that all requests come from the Village Clerk directly to him.

Halloween Night Safety 10/31/18 / North Broadway & Castle Heights

The Board discussed safety issues for the evening. Capt. Wanamaker explained that the CPD was having staffing issues and would be unable to close all the streets as they had done in the past. There was a lengthy discussion of the best solution for safety in the area of N Broadway & Castle Heights from 5:30 to 8:30 pm. The fire house would be hosting its annual haunted house which draws a large crowd to the area. Closing N. Broadway from Birchwood to Highmount would be safest.

The bus will be diverted up and down Highmount Ave during the hours from 5:30 pm - 8 pm., or when it can safely return to the normal route.

Oil & chip – Cedar Avenue – Residents of Cedar Ave. have been complaining to the Village about the poor condition of the street after the oil & chip was done. The Mayor & DPW met with representatives of the company who agreed there was an issue and had

negotiated with the Village to correct it. Mayor Tarapata noted that the company, due to weather constraints, would not be coming in 2018 to fix it.

A homeowner from Cedar Ave. who appeared, also noted the lack of drainage on the street with only the swale at the end for water to drain to.

All residents in attendance, requested the Board do the work as soon as possible.

#### TREASURER'S REPORT- Presented by Treasurer Fortunato.

There \$42,000 in unpaid property tax. The list will be given to the County by November 8, 2018.

The Village will have an interest payment of \$17,031.25 due Nov. 1<sup>st</sup> 2018 for the 1.3 million dollar DPW bond for the DPW building.

Trustee Esmay made a motion to allow the Treasurer to make an interest payment of \$17,031.25 on November 1, 2018, seconded by Trustee Nye and so moved.

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

NOES: None

Treasurer Fortunato noted that James DeFeo is off probation and is working to acquire his CDL. He recommended an increase in his pay from \$19 per hour to \$24 per hour.

The Board will discuss in executive session.

The Board discussed DPW equipment (additional parts for the BobCat) and whether to purchase now or in the next budget. At the HHCP, tank removal will cost \$21,000 for 8 underground tanks and 1 gasoline.

VOUCHERS - Read and approved for payment.

Sgt. James McCormick CPD, the Emergency Management Coordinator came at the request of the Mayor and Board to explain the emergency response procedures. The Mayor asked specifically about the CSX tracks in Clarkstown. There are 7 miles of tracks in the Town. The tracks are located 1.3 miles from the village line. The emergency notification system known as "Ready Clarkstown" is used to notify residents of Clarkstown and Upper Nyack in case of emergencies. Sign up information is available on the Town and CPD websites and at Village hall.

#### NOISE MONITORING

Mayor Tarapata and the Board were discussing the idea of noise monitoring in response to complaints of excessive noise from leaf blowers in all areas of the village and the North River Shipyard which has a specific requirement as per the special permit that the shipyard operates under.

Mayor Tarapata noted that the special permit was approved with a specific level of noise at the property line. The Board is looking to have a professional decibel monitoring done for a minimum of one month to get a baseline reading at the property line as the owner of the property agreed to.

Mr. Ken Graefe, the owner, agrees as long as it can be accomplished without fraud. Not against the monitoring.

Mort Korn, resident who lives adjacent to the property, wanted the monitor to be set up for a longer period of time and more randomly.

Trustee Nye also believed it should be for a longer period of time.

Mr. Picardi noted that the World Health Organization states 70 decibels or over is harmful to humans.

Trustee Rothchild noted that the Board was discussing noise monitoring in other areas of the Village, such as for leaf blowers.

The Mayor addressed the issue of a Code Enforcement officer and that the Village has not hired anyone yet.

After the discussion, the Board agreed to invite the salesman for the noise monitoring equipment to a future Board meeting, to do a presentation before the Board to show and discuss the equipment such as how it is set up, how it is monitored and how to budget for it.

Trustee Esmay made a motion to surplus outdated computer equipment, as noted by our IT specialist, and to insure that the hard drives are destroyed, seconded by Trustee Nye and so moved.

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

NOES: None

MINUTES -Trustee Rothchild made a motion to accept the minutes of the **regular meeting of 9/20/2018**, seconded by Trustee Esmay and so moved.

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

NOES: None

**9:00 PM** Trustee Nye left the meeting

### PROCUREMENT POLICY

After a brief discussion of how to clarify the process for obtaining bids, Trustee Rothchild made a motion that the Board adjust the Village of Upper Nyack procurement policy with regards to the purchase of supplies and equipment, for any amounts above \$3,000 up to the amount established for formal bid by General Municipal Law (GML) will require three written proposals and further that for DPW contracts, any amounts from \$10,000 up to the limit established for formal bid by GML, will require three written proposals, seconded by Trustee Esmay and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

### Purchase of Equipment for the BobCat

Trustee Diamond made a motion that the Board approve the purchase of attachments for the BobCat for the DPW, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

OIL TANK REMOVAL

Trustee Esmay motioned to allow the Mayor to approve the cost of up to \$21,000.00 for the removal of the oil tanks at the HHCP property at 626 North Broadway, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

EXECUTIVE SESSION

**9:32 PM** The Board voted to move to executive session

Motion: Trustee Esmay

Second: Trustee Rothchild

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

Discussed: Personnel, Appeal of litigation

**10:04 PM** The Board voted to exit executive session

Motion: Trustee Rothchild

Second: Trustee Diamond

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

After discussion in executive session, the Board agreed to the following:

Trustee Rothchild motioned that the Board agrees to raise the pay \$5.00 per hour for James DeFeo, now that he has passed his six month probationary period, seconded by Trustee Diamond and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

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

The meeting was adjourned at 10:08 PM.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None      ABSENT: Trustee Nye

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk