

REGULAR MEETING
May 18, 2017

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, May 18, 2017 at 7:00 PM.

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

Other's identified: Lt. Morgan, John Barone (Tooher & Barone LLP) on behalf of Goosetown Environmental Action, Sr. Veronica Mendez, Geraldine Goumas, Mort Korn, Fran Marton, Liz Egloff, Art Gunther, Elizabeth Cantor, Richard James, Sue Smith, Jen Hatch, Larry Miller, Hilarie Blumenthal, Jim Youmans, Vincent Puizzer, Jerry Marton, Nicky Cabiroy, Sherry Glickman, Michael Sperling

MINUTES – Trustee Nye motioned that the Board accept the minutes of the Regular meeting of April 20, 2017, as corrected, seconded by Trustee Diamond and it was so moved.

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

POLICE REPORT – Lt. Morgan reported on the recent tragedy of a tree from the elementary school property came down into the roadway and landed on a vehicle. The driver of the vehicle, village resident – Jerome Muhlenberg, succumbed to his injuries. There is an ongoing internal investigation as to the condition of the tree. Summit School – 3 episodes of EDP (taken to Nyack Hospital and 1 a family court issue)

There have been larcenies from vehicle on Castle Heights Ave. In most instances the cars were unlocked and the valuables were in plain sight. Even if cars are locked valuables should be hidden from sight.

Several scams that often surface in warm weather (roofing, blacktopping etc. Are on the rise.)

TREASURER'S REPORT – Submitted for review.

BAN refinance \$440,000 - \$100,000 principal and interest. Refinance \$340,000 at prevailing rate; due 6/19/17-6/19/18

Trustee Esmay made a motion that the Board approve the refinance that the Treasurer recommends, seconded by Trustee Rothchild and so moved.

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

Discussion: The Board discussed in executive session, the salary structure and DPW overtime and standard workday hours, as per memo from the Treasurer. The Board made a motion to approve after they exited executive session as noted in the minutes

VOUCHERS – Read and approved for payment.

7:30 PM PUBLIC HEARING Zone Text Amendment also known as Local Law #2 of 2017

The Village Clerk read the public hearing notice.

Mayor opened the public hearing

This local law is a proposal to amend Article IV, section 15:85.2 of the Zoning Code which requires that a special permit be issued for a period of three years and must be renewed every three years which includes a short form renewal application and thereafter a certification of no change.

Mayor Tarapata noted that the Village wishes to streamline the process of renewal of a special permit to bring more properties into compliance. The Planning Board Chairman noted to the Board that all renewals must still come before the Planning Board but the fees would be waived. A public hearing, neighbor notification and posting of the property would still be required.

THOSE FROM THE PUBLIC WHO SPOKE:

John Barone-Tooher & Barone. Mr. Barone appeared on behalf of Goosetown Environmental Action (GEA) A letter was submitted to the Board outlining the changes they would like to have the Board consider in the proposed law. Mr. Barone noted they were proposing the comments to avoid unintended consequences or litigation for the Village.

Village Attorney Lewis noted that the changes proposed were too substantial to be considered at this hearing. The Board would have to re-notice and hold a new public hearing.

Mayor Tarapata said she would like to discuss the changes further with the Planning Board Chair and felt it best to review at a workshop meeting.

Mr. Barone asked if the Board passes the proposed law, he would like to see it in the record stating the Board would revisit the law.

Village Attorney Lewis noted that current special permit holders have vested rights.

Jen Hatch inquired if the special permit is granted for three years and within that time there is a substantial change in activity what would happen?

Village Attorney Lewis The Building Inspector could place a violation based on a complaint.

Jen Hatch Who does the Building Inspector report to?

Village Attorney Lewis The Building is independent of the Village Board. He is responsible for enforcement of the Zoning Ordinance and the Building Code. He is independent as to not be influenced by the political body

Liz Egloff With a five year permit what if one of the unintended consequences is a health issue?

Mayor Tarapata and Village Attorney Lewis noted that this would be a health issue, not a zoning issue, and would be under the jurisdiction of the Health Dept. or the DEC

Kennon Rothchild Maybe the language or the law should be changed to alleviate unnecessary burdens like cost. This section covers all special permits not just "places of assembly" as originally intended. In paragraph b where it states "**may** waive any public hearings" I sense that the public would like more oversight and wants it to read "**shall** hold a public hearing"

Mayor Tarapata noted she would want input from the entire Planning Board if a change is made

Village Attorney Lewis noted the Board had several choices:

- 1) Continue the public hearing to a date in the future and review what was given
- 2) Close the public hearing and pass what has been proposed
- 3) Hold a new public hearing with changes included
- 4) Decide not to adopt and start the process over with a new proposal

Mayor Tarapata said the intention was to get those properties under Places of Assembly into compliance.

Michael Sperling Maybe it is too broad and needs to be made stricter
Mr. Barone requested the Board require a public hearing for certification or renewal of a special permit and then revisit the law by September.

James Youmans Is there a way to consider the language in the special permit?

Village Attorney Lewis The Planning Board approves the language that ends up in the special permit based on public comments, Planning Board review and the Village Attorney's review and what is allowed in the zoning code.

Trustee Rothchild made a motion to continue the public hearing at the next regular meeting on June 15, 2017, seconded by Trustee Diamond and it was so moved.

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

NOES: None

Geraldine Goumas: 120 Locust Drive – Drainage issue

Mrs. Goumas appeared before the Board and noted that there has been water on her property since she moved into the house. The neighbors had a building permit to do work in their basement and Mrs. Goumas stated that they raised the level of their land and removed some trees. The former Village Engineer, visited her property many years ago and noted that a swale was needed.

Mayor Tarapata noted that the current Village Engineer will have to verify what has been completed on the site.

Mrs. Goumas stated the neighbors (McLary) have not completed the work. Also believes they did work different than was on their plan. Mrs. Goumas would like input from the Village Engineer and the Building Inspector.

Mayor Tarapata said the Village would look into the situation and get back to her.

RESOLUTION – Cornell Cooperative Extension Rockland County
2017 Stormwater II Education Program Agreement

Trustee Nye made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2017 Stormwater Education Program and with the signing by the Mayor, authorize payment of the \$1000 annual fee, seconded by Trustee Rothchild and it was so moved.

On a call for a vote:

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

NOES: None

Marydell Monument – Discussion

Sr. Veronica Mendez came before the Board to explain that the monument located at the corner of the property at Larchdale & N Broadway had to be moved when the State took ownership of the land it sat on. The Sisters arranged to move it up Larchdale, near the convent building. They had not considered that a building permit might be required and that it was in the village easement.

Sr. Veronica told the Board she would come in and apply for a building permit. The Board would consider whether it could remain in the easement.

PARKING REQUEST to park on North Broadway

The Village Board received a letter from a contractor working on the New NY Bridge about on street parking permission. The contractor parks on the Van Houten Holding Co property and departs from there each morning. He arrives and parks

about 5 or 5:30 am. There is no parking on the street at that time and is requesting permission to park there at that time. The Village and Police have received complaints from residents that the drivers of the cars (not just this one person) slam the car doors, talk loudly and wake up the residents. The drivers also do not want to park at the boatyard due to paint overspray that has landed on the cars when boats are being repaired and painted.

After a brief discussion, the Board of Trustees decided they would not allow the permission for on street parking during the "no parking" hours from 3 am until 6 am.

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

AYES: None

PROCLAMATION FOR JEFFREY S. HINDIN

The proclamation was read into the minutes

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, May 18, 2017, at 7:00 PM, the following were present: Mayor Karen A. Tarapata, Trustee & Deputy Mayor Michael Esmay, Trustee Joseph P. Diamond, Trustee Donna Nye 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, Jeffrey S. Hindin has embodied the ideals of community service for many years, and

WHEREAS, Jeffrey S. Hindin is a natural leader and has involved himself in community activities designed to advance human dignity; and

WHEREAS, Jeffrey S. Hindin has been a resident of Rockland County and has lived in Upper Nyack for twenty one years; and

WHEREAS, Jeffrey S. Hindin lives in Upper Nyack with his wife Jill Meyer and his children Jake and Joss; and

WHEREAS, Jeffrey S. Hindin was elected as Trustee in 2009, 2011, 2013, and served three, two year terms; and

WHEREAS, during Hurricane Sandy, he distinguished himself by his actions in the aftermath of the storm; and

WHEREAS, Jeffrey S. Hindin was appointed as Deputy Mayor in April 2013; and

WHEREAS, Jeffrey S. Hindin was elected as Mayor in 2015, and served with dedicated and

faithful service to the Village and his community; and

WHEREAS, one month into his tenure, a car was driven into the Village hall resulting in months of restoration and repair that he monitored (no one was injured); and

WHEREAS, during his terms as Trustee and Mayor, Jeffrey oversaw the operations and employees of the Department of Public Works; and

WHEREAS, during his terms as Trustee and Mayor, twenty two laws were passed (new or amended) by the Board of Trustees; 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 Jeffrey S. Hindin on the occasion of his outstanding community service and,

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to Jeffrey S. Hindin.

By the order of the Board of Trustees, May 18, 2017.

Karen A. Tarapata, Mayor

Trustees: Michael Esmay; Joseph P. Diamond; Donna L. Nye; Kennon Rothchild III,

The Nyack Joint Fire District made a request to the Board to allow the District to temporarily park the district fire boat on the Village DPW property in order to place it in a visible place for sale. The DPW employees agreed it would not be a problem and they would indicate the best location to place it in.

Trustee Esmay made a motion to allow the Nyack Joint Fire District to park the fire boat at the DPW location for a maximum of 2 weeks from May 19, 2017, and to provide an insurance certificate naming the Village as additionally insured, seconded by Trustee Nye and it was so moved.

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

NOES: None

EXECUTIVE SESSION

8:55 pm Trustee Esmay made a motion that the Board enter into executive session, seconded by Trustee Rothchild and so moved.

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

NOES: None

Discussion took place regarding personnel issues and current litigation.

9:35 pm Trustee Esmay made a motion that the Board exit executive session, seconded by Trustee Nye and on a call for a vote:

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

NOES: None

Trustee Rothchild moved that the Board of Trustees accept the Memo with recommendations of the Treasurer for employees' salaries, DPW overtime rates and standard workday hours, seconded by Trustee Esmay and so moved. (Memo attached)

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

NOES: None

Motion to adjourn by Trustee Nye and seconded by Trustee Rothchild and so moved. The meeting was adjourned at 9:40 PM

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

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

Richard D. Fortunato, CPA P.C.
Certified Public Accountant

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Pomona, New York 10970

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Memo

To: Village Board

From: Richard D. Fortunato CPA

Date: May 2017 - REVISED

Comments: 2017/2018 Employee Salaries & OT Rates

<u>NEW Gross</u>		
50,296		Donna
56,462		Carol
31,635		Roy (\$20,713 + 10k @ 3%)
50,296		Jill
<u>OT Rate</u>		
30.82	64,100	William
27.79	57,800	Chris
31.11	<u>64,700</u>	Bryan
	186,600	
	<u>30,000</u>	OT
	216,600	

* Donna, Jill + Carol
7HRS DAY

* Roy 2HRS DAY

* DPW 8HRS DAY