

## REGULAR MEETING

October 19, 2017

The Regular monthly meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 19, 2017 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:** PO Valerio (CPD), James Wendling

TREASURER'S REPORT- Presented by Treasurer Fortunato.

The Village will have an interest payment of \$17,890.63 due Nov. 1<sup>st</sup> 2017 for the 1.3 million dollar DPW bond.

Trustee Esmay made a motion to allow the Treasurer to make an interest payment of \$17,890.63 on November 1, 2017, seconded by Trustee Rothchild and so moved.

There are 14 delinquent property tax owners. The list will be given to the County by November 8, 2017

Bond payment – Trustee Esmay made a motion that the Board agrees to allow the Treasurer to pay not more than \$20,000.00 for the DPW bond payment, seconded by Trustee Tarapata and so moved.

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

NOES: None

VOUCHERS - Read and approved for payment.

POLICE REPORTS – Officer Valerio attended and discussed the following with the Board: Scams, graffiti, medical emergencies and calls for assistance. There are people posing as utility workers and while the homeowner is distracted, second person goes into other areas of the home and robs the homeowner.

Officer Valerio distributed FILE of LIFE pockets that hold a card with a person's identification and medical information. The pocket has a magnet that attaches to the refrigerator and is available to medical personnel on emergency calls to that person's house and especially helpful if the person is unconscious.

STREET CLOSING: Halloween Safety 10/31/17 / North Broadway & Castle Heights

The Board discussed safety issues for the evening. In the past the Board has voted to close the road or open to local traffic only. The Fire house will have its annual haunted house and the area draws large numbers of children and families. The Board determined it would be safest to close the roadways for a few hours.

The Board decided that North Broadway would be closed from Birchwood Ave to Highmount Ave. and Castle Heights from North Midland to North Broadway, from 4:30 pm to 8 pm and that the Clarkstown Police will be asked to provide barriers and

auxiliary or traffic officers.

The bus will be diverted up and down Highmount Ave during the hours from 4:30 pm - 8 pm.

RESOLUTION: Offer of Deed of Dedication for Riverton Drive by Courtyard at Upper Nyack. James Wendling, of Wilder Balter Partners, appeared before the Board for his last piece of official business regarding the Courtyard at Upper Nyack subdivision. Village Attorney Lewis commented on the professional manner in which all aspects of the work of Wilder Balter had been handled.

RESOLUTION ADOPTED AT THE VILLAGE OF UPPER NYACK  
BOARD OF TRUSTEES MEETING ON OCTOBER 19, 2017

RESOLUTION ACCEPTING THE DEED OF DEDICATION TO RIVERTON DRIVE  
FROM THE COURTYARD AT UPPER NYACK

WHEREAS, the Courtyard at Upper Nyack has offered a Deed of Dedication to Riverton Drive, a drainage easement agreement and a sewer easement together with the accompanying forms the TP584 and RP5217; and

WHEREAS, the Village Attorney Robert P. Lewis Jr. and the Village Engineer Dennis M. Letson have received the documents offered for dedication and have found them to be in order; and

WHEREAS, the Village Engineer has stated that the developer has completed the public improvements in accordance with the plans approved by the Planning Board; and

WHEREAS, the Developer has completed the work including all punch list items listed by the Village Engineer after inspection and in accordance with good construction practice; and

WHEREAS, the Planning Board final approval resolution called for a maintenance bond to be provided to the Village in the amount of 10% of the total cost of the public improvements for a period of one year after acceptance of dedication;

NOW, THEREFORE, BE IT

RESOLVED, that the Village Board of Trustees hereby accepts the Deed of Dedication to Riverton Drive, the Drainage easement agreement and the sewer easement agreement and authorizes the Mayor to sign any necessary documents provided the Developer provides a maintenance Bond in the amount of \$82,257 for a period of one year. The Village hereby cancels the current performance bond issued to the Village. The Village commends the Developer for a well-executed project.

A MOTION was made by Trustee Rothchild and seconded by Trustee Diamond and so moved.  
On a call for a vote:

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

NOES: None

Dated: October 19, 2017

MINUTES -Trustee Nye made a motion to accept the minutes of the **regular meeting of**

**9/14/2017**, seconded by Trustee Rothchild and so moved.

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

NOES: None

Trustee Rothchild made a motion to accept the minutes of the **special meeting of 10/5/2017**, seconded by Trustee Diamond and so moved.

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

NOES: None

FORESTER: On recommendation of the Village Treasurer, to send out to bid for Village Forester Consultant services, the Board put forth the following motion:

Trustee Rothchild made a motion that the Board of Trustees will request bids for a Village Forester Consultant, seconded by Trustee Esmay and so moved.

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

NOES: None

GARDEN CLUB SHOW: The Village Board received a request from the Garden Club of the Nyack's to hold their spring show at the OSMH. After a brief discussion, Trustee Nye made a motion that the Village allow the Garden Club of the Nyack's to hold its annual flower show at the OSMH, Friday, June 1, 2017 from 4-8 pm and Saturday, June 2, 2017 from 8 am to 4 pm, and that the Village waive all fees associated with the use of the OSMH, seconded by Trustee Diamond.

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

NOES: None

#### NYACK AMBULANCE CORPS. INC. - SNOWFLAKE RUN

The Village received a request from Nyack Community Ambulance Corps. to conduct their 5<sup>th</sup> Annual Snowflake 5K race/walk through the Village of Upper Nyack. The event will last about 1 hour and end back at the Ambulance Corp. building on N. Midland Ave. in Nyack.

Trustee Diamond made a motion that the Board approve the request form the Nyack Community Ambulance Corp. for their 5<sup>th</sup> Annual Snowflake 5K race/walk for Saturday, December 30, 2017, beginning at 10 am, provided they have submitted the proper certificate of insurance and that they coordinate with the Clarkstown Police Dept., seconded by Trustee Nye and so moved.

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

NOES: None

#### EXECUTIVE SESSION

**8:50 PM** The Board voted to move to executive session

Motion: Trustee Nye

Second: Trustee Diamond

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

NOES: None

Discussed: Appeal of litigation

**9:15 PM** The Board motioned to exit executive session

Motion: Trustee Diamond

Second: Trustee Nye

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

NOES: None

After discussion in executive session, the Board agreed to engage the Village Attorney to appeal the decision on Simon vs Village of Upper Nyack litigation and to take the necessary steps for filing of the appeal.

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

NOES: None

Trustee Nye made a motion to adjourn, seconded by Trustee Rothchild and so moved. The meeting was adjourned at 9:24 PM.

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

NOES: None

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk