

## REGULAR MEETING

November 16, 2017

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, November 16, 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

**Others identified:** Lt. Morgan, Howard Hellman, Joseph Scarmato, Jay Greenwell, Ken Sharp, James Sarna, Kier Levesque, Laura Neil, John Sheehan, Jennifer Mallory

POLICE REPORTS – Lt. Morgan attended and presented the report.

Discussion: Deer hit & injured and had to be euthanized; On Rt. 9W a driver was instructed to pull over but did not stop and led police on a chase into Nyack Beach State Park where the driver crashed and was then arrested on a DWI; Scam Theft of money from resident who was selling a bed online; Summit School-Student left campus and was returned by the Police without incident; Marydell-Groundskeeper reported a missing rototiller from the property;

Halloween: Very active night in and around the Village hall and in the street. Lt Morgan noted it was too early both closing the street at 4:30 and reopening at 8. For the future must decide the parameters because it seems to have become an increasing well- attended event.

Clerk to send info to CPD re: the Nyack Hunger Coalition Run

TREASURER'S REPORT – Treasurer Fortunato submitted the report for review. Bond payment was made. On Friday, November 17, 2017 the 11 unpaid property tax payers list will be submitted to Rockland County Finance office. Year-end financial information has been submitted to Munistat.

Roof bid was high due to prevailing wage but the village can cover the cost with the balance of \$50,000.00 being reimbursed with a grant from the State.

VOUCHERS – Read and approved for payment.

### RESOLUTION- Schedule of Fees

After a brief discussion, Trustee Diamond made a motion that the fee for a Certificate of Occupancy & Violation Search be raised to \$225, seconded by Trustee Rothchild and so moved.

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

NOES: None

Nyack Hunger Coalition – Resolution Run 2, January 6, 2018, 9 am until 11 am  
Ken Sharp, representing the Nyack Hunger Coalition made a request to the Board for a fundraising run through Upper Nyack. Trustee Nye motioned to approve the run on Saturday, January 6, 2018, seconded by Trustee Diamond and with no further discussion, so moved.

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

NOES: None

#### Petition - Zone Text Amendment –

Joseph Scarmato appeared before the Board, representing Howard Hellman as contract vendee for Riverhook Farm LLC, at 626 N. Broadway in Upper Nyack. Mr. Scarmato petitioned the Board on behalf of Mr. Hellman to ask the Board to consider adding a use of Adult Active Community, similar to the Town ordinance and to meet the needs of older citizens in the community. The LLC would be looking to modify or use the Senior Care Facility Zone density and apply it to the Riverhook Farm property which is in an R-Zone.

Mr. Scamato stated he and his client feel there is no need to wait for the Comprehensive Plan to be amended and that the existing Comprehensive Plan addresses their concern.

Mayor Tarapata said the Village Board will not entertain any request for a zone text change until the Comprehensive Plan Committee has completed their work. Trustee Rothchild (part of the Comp. Plan Committee) noted there will be community input sessions. Different topics will have different meetings. There are 11 areas of consideration and the committee will try to do 2-3 areas per session. All community input will be considered before writing begins, possibly in March. Mr. Scamato inquired whether senior housing would be a topic to be studied. Trustee Rothchild stated it was up to the committee and he would bring it up at the next work session.

Mr. Scarmato thanked the Board for their time.

#### VILLAGE FORESTER CONSULTANT

The Board requested proposal for a new Village Arborist. The Village received only 1 proposal.

After a brief discussion, and based on only one bid or possible conflict of interest, Trustee Rothchild motioned to reject the single bid and resend out to bid for the competitive process as required, seconded by Trustee Nye and so moved.

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

NOES: None

OSMH Roof bids – Trustee Esmay noted that the roof on the OSMH is desperately in need of repair and it should happen as soon as possible.

In order to correct a dangerous situation, and due to the fact that there are a limited number of companies who do slate roof repair, and that prevailing wage must be paid and that \$50,000.00 will be reimbursed to the Village through a State Grant, Trustee Diamond motioned to accept the bid by Hayden Building Maintenance Corp., for \$82,894.00, as submitted, seconded by Trustee Esmay and so moved.

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

NOES: None

JEWETT ROAD-SIGN REQUEST – The Village received a request from Petrina Koblin, 214 Jewett Rd, that states DO NOT ENTER deliveries only. After a brief discussion, it was decided that an estimate for the cost was needed; that if a sign was to be erected in the Village right of way, the Board would determine the language on the sign; that the Mayor would speak to the DPW and report back to the Board before any vote would be taken.

RESOLUTION- Change of Date for regular meeting – Trustee Rothchild made a motion to move the regular meeting for December to the second Thursday, December 14, 2017, seconded by Trustee Nye and so moved.

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

NOES: None

STOP SIGN REQUEST Highmount Ave at Front St.

The Board received a request to install a stop sign on Highmount Ave, heading east at the intersection with Front St. due to the concern of the resident who had witnessed several near collisions with several cars.

The Mayor agreed that input should be obtained from the CPD and the DPW and set a public hearing date for the next regular meeting.

Trustee Esmay made a motion that the Board hold a public hearing on December 14, 2017 to consider amending Ordinance 2.10 Stop & Yield Intersections, and that the Clerk will publish notice of said hearing, seconded by Trustee Rothchild and so moved.

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

NOES: None

MINUTES – Trustee Nye made a motion to approve the minutes of the **regular meeting of 10/19/17**, seconded by Trustee Rothchild and so approved.

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

NOES: None

#### Other Business:

Ray and Glen Meyerson appeared to have an informal discussion with the Board concerning a contract they have entered into on August 28, 2017 to purchase an 8 acre parcel on N Midland Ave, owned by the Institute of Christian Doctrine (Marydell sisters) They are in the due diligence period. Their biggest impediment to the purchase is the private road in the subdivision next to the 8 acre parcel. The Meyersons have met with John Badi and with John Badi and his sister Linda Bean. The discussion was encouraging and they are hoping for a team effort to get the road completed so they may access the 8 acre parcel by that road. The Meyersons feel the development of the land they are under contract for would benefit Upper Nyack through adding to the tax base. They want to know what can be done to get the project moving and get the road finished.

Village Attorney noted that the Village Engineer would have to inspect the road and provide a punch list of items to complete. Then it would be up to the developer to complete the road.

Comprehensive Plan Committee- Mayor Tarapata appointed Jeffrey S. Hindin to the Comprehensive Plan Committee as Chairman of the committee.

Trustee Rothchild motioned to ratify that appointment, seconded by Trustee Esmay and it was so moved.

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

NOES: None

#### EXECUTIVE SESSION

**9:05 PM** The Board voted to move to executive session

Motion: Trustee Esmay

Second: Trustee Rothchild

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

NOES: None

Discussed: Legal matters: Engagement letter Greenwald-Doherty contract

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

Motion: Trustee Nye

Second: Trustee Rothchild

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

NOES: None

Approval of Expenditure: After discussing the engagement letter in executive session, Trustee Nye made a motion that the Board approve the expenditure of \$5,500.00 to Greenwald-Doherty to review the draft of the employee handbook, seconded by Trustee Rothchild and it was so moved.

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

Trustee Nye made a motion to adjourn, seconded by Trustee Diamond and so moved. The meeting was adjourned at 9:17 PM.

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

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk