

REGULAR MEETING

March 8, 2018

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, March 8, 2018 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 Esq.

Others identified: Lt. Morgan CPD; Elizabeth Campbell, Miles Taylor, Richard Sacher, Robert Helmke, Allison Crowther, Chief John Galietta Jr., Peter Huber

POLICE REPORTS – Lt. Morgan appeared. The following was reported or discussed: Weather related issues of downed wires and trees from March 2, 2018 storm. Barricades put in place and some drivers still try to drive around them; Opioid overdose on Camboan Rd. where a resident was revived with Narcan: An incident reported at the ship yard. Police spoke with the owner and watching the situation; An incident of someone trying to avoid paying cab fare-rider asked to be dropped off at 141 Castle Heights Ave. but did not reside there. Took off without paying fare.; Mini Mart at 501 N. Highland Ave sold alcohol to minors. Were cited but another offense and the beer license will be pulled.

The school speed sign by the UNES was damaged by a downed tree in the recent storm. Lt. Morgan noted that the resources for a new one would have to be looked at with the Town or CPD.

TREASURER'S REPORT –Submitted for review.

At the request of the Treasurer, after a discussion that a new sweeper could cost \$200, 000.00 or more, Trustee Nye made a motion to approve the expenditure of \$19,925.73 for the cost of repairing the DPW sweeper, by Trius, seconded by Trustee Rothchild and so moved.

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

NOES: None

The budget workshop will be held on 04/12/18 at 7:00 PM

TENTATIVE BUDGET -SET PUBLIC HEARING DATE

Trustee Rothchild made a motion that the Board of Trustees will hold a public hearing on the tentative budget on April 19, 2018 at 7:30 PM, and the Village Clerk will publish a notice of the public hearing, seconded by Trustee Nye and so moved.

On a call for a vote:

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

NOES: None

VOUCHERS – Read and approved for payment.

MINUTES - Trustee Nye made a motion to approve the minutes of the **02/15/2018 Regular meeting**, seconded by Trustee Esmay and with no discussion, so moved.
AYES: Mayor Tarapata, Trustees Diamond, Esmay, Nye & Rothchild
NOES: None

REQUEST FOR STREET CLOSING – GOOSETOWN BAZZAR
Saturday, June 9, 2018

Trustee Rothchild made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA Goosetown Bazaar from 10:30 am until 4 pm on Saturday, June 09, 2018 and that they provide a Certificate of Insurance, seconded by Trustee Esmay and so approved.
AYES: Mayor Tarapata, Trustees Diamond, Esmay, Nye & Rothchild
NOES: None

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.

7:30 PM Public Hearing:

1) Amend Ordinance 2.2 Parking of Vehicles

The Village Clerk read the public hearing notice.

Trustee Nye motioned to open the public hearing, seconded by Trustee Rothchild and so moved.

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

Mayor Tarapata noted that there are residents on Front with no driveways. It is the intention of the Board to accommodate those residents for overnight parking on the street. The Village Board consulted the CPD and the Nyack Joint Fire District.

Those who spoke:

*Chief John Galietta attended the meeting and noted that the Fire Dept. expressed a concern is that there be enough space for all fire trucks to park and operate at the dead end during an emergency. The request is that the allowed parking begin 100 ft. from the dead end.

*Richard Sacher, 615 N. Bway., and *Allison Crowther, 106 Birchwood Ave.

They questioned why the residents could not pull onto their property or onto the grass and why the parking couldn't be restricted to the 2 residents?

The Mayor noted that the topography of the property did not lend itself to that and it was simpler to amend the current law.

The law will take effect after it is filed with the State Records and Law Bureau. The DPW will install any necessary signage and paint lines on the street to indicate the parking areas. The Board will revisit in 6 months to review how it is working.

Dorothy Brady and Emily Jackson thanked the Board for giving their situation so much consideration.

Trustee Esmay made a motion to close the public hearing, seconded by Trustee Nye and so moved.

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

NOES: None

Trustee Nye made a motion that the Board amend Ordinance 2.2 a. No vehicle shall be parked or left standing on any village street, excepting the south side of School Street **and the west side of Front Street, 30 feet from the intersection of Upper Highmount Ave. to the dead end**, between the hours of 3AM to 6AM except utility or emergency vehicles in the fulfillment of their duties., seconded by Trustee Rothchild and so moved.

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

NOES: None

Miles Taylor, 422 Glen Avenue, Request for license agreement to allow stairs and retaining wall to remain in the Village right of way.

Mr. Taylor noted that he has lived in the house for 23 years. A railroad tie retaining wall was in place when he purchased the property and he changed it to a stone wall and stone steps to make it safer. The stairs land at the dead end of the street.

Village Attorney Lewis noted he would draw up the license agreement and start the process. The survey and signed documents would be filed with the Rockland County Clerk's office and a copy retained in village hall.

After a brief discussion where the Mayor noted the Village Board was trying to be consistent with all license agreements in the Village, Trustee Esmay made a motion that the Board agrees to allow Mr. Taylor's retaining wall and stairs to remain in the village right of way and that the Mayor be allowed to sign the agreement and that the agreement will be filed in the Rockland County Clerk's office, seconded by Trustee Diamond and so moved.

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

NOES: None

2) Amending Ordinance 9.7 of the 1965 Code of General Ordinances, Tax Levy Limit Established in GML Section 3-C

The Village Clerk read the public hearing notice.

Trustee Esmay made a motion to open the public hearing, seconded by Trustee Nye and so moved.

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

NOES: None

Mayor Tarapata noted that the Board typically amends this law each year around budget time to give the Board the ability to raise the tax limit. Treasurer Fortunato noted it is done to keep in compliance with the State.

Trustee Esmay made a motion to close the public hearing, seconded by Trustee Nye and so moved.

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

NOES: None

- 3) Trustee Rothchild made a motion that the Board amend **Ordinance 9.7 of the 1965 Code of General Ordinances, Tax Levy Limit Established in GML Section 3-C**, as discussed, seconded by Trustee Esmay and so moved.

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

NOES: None

RESOLUTIONS OF THE BOARD:

- 1) Authorizing purchase of property at 626 North Broadway for municipal purposes, subject to permissive referendum

Mayor Tarapata read *the attached statement*.

The Mayor then invited the Board to comment.

The Trustees noted that this is a tremendous, one time opportunity for the Village with so many uses possible such as a farm, sports (playing field), added green infrastructure, educational facility, arboretum/tree nursery, Community Center, dog park, outdoor performance space or move the Village hall there. The Board is very much in favor of preserving green space. All members are in favor of the purchase.

The Mayor invited the public to comment:

Those who spoke:

Richard Sacher, Robert Helmke, Allison Crowther, Peter Huber.

The concerns expressed were that taxpayer money was being used. Would the Village be able to sell the property to a developer? What would be the cost to the taxpayer's to rehabilitate the property? There should have been more public notice that the Village was planning to purchase the property. What will be the cost to the village for the upkeep? Will there be a proposal with a working budget? How will you keep the public informed moving forward? A former Trustee thanked the Village Board for their courage to make such a decision and supports going forward with this plan.

Mayor Tarapata responded that the Board had been approached by the owner but the Board was not able to discuss the property with the owner in contract with a developer. The Board would like to do this before interest rates go up, although the village has an excellent bond rating. The Board will be looking at ways to limit the use to village residents and look for grants to help with any needed repairs.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER
NYACK ON MARCH 8, 2018

See attached document

Treasurer Fortunato spoke to the Board regarding the bonding for the purchase. In order to get the best rate possible, the Treasurer would like permission to use an Independent Financial Advisor to float the 2.5 million dollar bond to a broad range of banks and lending institutions. He would have access to a greater number than if the village were to send it out to a small number of local banks.

Trustee Esmay motioned to authorize the Treasurer to engage an independent financial advisor to present the bond to various banks and financial institutions, at a cost of \$10,000.00 to the Village, seconded by Trustee Rothchild and so moved.

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

NOES: None

Trustee Nye exited the meeting at 9:25 PM

Trustee Esmay made a motion to adjourn at 9:55 PM, seconded by Trustee Diamond and it was so moved. On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None ABSENT: Nye

Respectfully submitted,

Carol G. Brotherhood
Village Clerk