

## REGULAR MEETING

December 17, 2020

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held Thursday, Thursday, December 17, 2020 at 7:00 PM. In accordance with the Executive Order 202.87, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

**Those participating:** Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild  
Village Clerk Carol G. Brotherhood, Village Treasurer Richard Fortunato;  
PO Kennedy-CPD, Jilliana Sinnott

POLICE REPORTS – PO Kennedy presented the report.

132 calls for service; 4 MV accidents-no injuries; structure fire on Locust Dr. – no injuries and minimal damage; 3 medical emergencies; 27 cultural and religious and 12 regular area checks; graffiti noted at UNES and Nyack Field Club; reminder to keep cars locked and valuables out of sight;

Speed trailers stating Trucks/local deliveries only.

Mayor Tarapata thanked PO Kennedy and said that the signs posted at Old Mountain Rd & N. Midland and Old Mountain Rd. and N. Broadway had worked very well. Mayor Tarapata also noted there is increased tractor trailer truck traffic through Upper Nyack. The Village prohibits this. Route 9 W is the only truck route in Upper Nyack. Google Maps is directing truck traffic through the Village. The Village will install signs stating “local deliveries only” and also continue to notify Google Maps that Route 9W is the only truck route in Upper Nyack.

TREASURER’S REPORT – Treasurer Fortunato presented the monthly treasurer’s report. CHIPS money in the amount of \$129,000 has been requested. The State reduced CHIPS allocation to the Village by 20%

The final draft of the audit has been proof read. Waiting for legal letters to produce final audit. Recommendations will be forth coming.

Mayor noted that the Multi-modal grant for \$75,000 for the paving will still be given to the Village for the Palmer/Kuyper underdrain project. The Village will pay for the drainage.

Trustee Esmay made a motion to authorize the Treasurer to reimburse the three retirees for Medicare Part B payments monthly in the amount of \$148.50 for the year of 2021, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

VOUCHERS Read and approved for payment (Shipping container purchase is included)

MINUTES - Trustee Rothchild made a motion to accept the minutes of the **regular meeting 11/19/2020**, as amended, seconded by Trustee Dodge and it was so approved.

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

APPOINTMENT –Mayor Tarapata appointed Paul Curley as member to the Zoning Board of Appeals to fill the vacancy of Michael Kuhling.

Trustee Esmay made a motion to ratify the appointment, seconded by Trustee Epstein and it was so moved.

ON a call for the vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

7:17 PM Paul Curley exited the meeting.

HIRE - Mayor Tarapata discussed with the Board the hiring of Heather Candella. The Mayor would like Heather to fill the position of Clerk-Typist PT. Her duties would include social media and technology as well as an additional person in the office to answer phones and do other clerical work. Probation would be for 6 months until at least June 1, 2021.

Trustee Epstein made a motion that the Board hire Heather Candella as Clerk-Typist PT, seconded by Trustee Rothchild and it was so moved.

ON a call for the vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

Community Choice Aggregation - CCA -Solar Resolution of support

The Board has been asked to provide a resolution of support for the solar program.

Trustee Epstein made a motion that,

RESOLVED, that the Village of Upper Nyack will work with Joule, the Community Choice Aggregation Administrator, to increase awareness about the community solar program including outreach via letter, email and other forms of communications, seconded by Trustee Rothchild and so moved.

ON a call for the vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

**7:30 PM Public Hearings -Local Laws #7, 8, & 9 of 2021**

**Chapter 2, Regulation of Vehicles, 2.2 e. Parking of Vehicles (Local Law #7 of 2020)**

The Clerk read the public hearing notice.

Mayor Tarapata noted the board had discussed the problem of parking on N Broadway due to the width of the road and so many more bikers using the route. The area to be discussed begins at the OSMH and extends to Nyack Beach State Park entrance, on both sides of the roadway.

Motion to open the public hearing: Trustee Dodge

Second: Trustee Esmay

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

**Those who spoke:**

Martin Schulman, 518 North Broadway (resident since 2019)

Noted that parking did not seem to be an issue but speeding is. What is Board trying to solve? How long will it last?

Noted: On street parking permission can be obtained from Village Clerk.

How would one get relief after hours? Would the Board consider modifying on weekends?

Trustee Rothchild noted that there is a lot of cycling traffic and with COVID many more walkers. The Board is looking to keep everyone safe.

Jillana Sinnott, 615 North Broadway, worries that no parking will push parking onto side streets like Lexow and Locust.

Mayor Tarapata noted that residents on Locust don't want parking restrictions full time. Trustee Dodge agreed.

Mayor Tarapata also noted that in the spring parking at the park should be open once the repair of the retaining wall is complete.

Trustee Epstein likes the idyllic setting of North Broadway. Lives on Locust and the traffic ebbs and flows. Not always crowded.

Jillana Sinnott asked if anyone had reached out to the Fire Dept. re: parking on the side streets. Would the Village consider signage asking people to walk on the sidewalk or for bikers to ride single file?

Mayor will set up meeting with someone from the district.

Mayor Tarapata also noted there is a drainage ditch along the westerly side of N Broadway and it is important not to park there.

Motion to close the public hearing: Trustee Dodge

Second: Trustee Rothchild

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

The Board will discuss and come up with a solution to address some of the issues

raised.

Trustee Dodge said the Board should have a way to do notification after hours on the website for people needing parking.

Mayor Tarapata stated that hope is to have a CEO is in place that can ticket during the day.

Note: clerical error; add the word North under ordinance 2.2 f.

Motion to amend Ordinance 2.2 e. by adding no parking on North Broadway, from 347 North Broadway to Nyack Beach State Park, on both the East and West sides of the street and f. by adding the word North,

Second: Trustee Rothchild

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

### **Chapter 3, Fire Regulations, Ordinance 3.3 Fires, Burning Refuse etc. (Local Law #8 of 2020)**

The Clerk read the public hearing notice.

Mayor Tarapata noted that this law was written with incinerators and leaf burning in mind and has not been updated. With COVID people are spending more time outdoors around fire pits. The Mayor and Board worked with the Building/Fire Inspector and deferred to the Uniform Code. A permit is required for a large bonfire.

Motion to open the public hearing: Trustee Epstein

Second: Trustee Rothchild

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

#### **Those who spoke:**

Robert Picardi, Glenbrook Rd. – Clarkstown has an ordinance. Will Upper Nyack's supersede? Mr. Picardi read information from the EPA regarding how people recovering from COVID-19 can be effected by wood smoke. Should be encouraged to use propane or get natural gas installed.

Mayor Tarapata noted in the code is the definition of a portable outdoor fireplace (a hole dug and surrounded by rocks is not allowed) and distances allowed from structures.

Motion to close the public hearing: Trustee Rothchild

Second: Trustee Epstein

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

Discussion: No further discussion

Motion to amend Ordinance 3.3 Fires, Burning Refuse etc.: Trustee Dodge

Second: Trustee Esmay

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

**Ordinance 4.1 Health and Sanitation, Chapter 4.1 c. (Local Law # 9 of 2020)**

The Clerk read the public hearing notice.

Mayor noted that the law was being amended to allow residents more reasonable time in when they are placing their trash receptacles curbside and when they need to bring them back in

Motion to open the public hearing to amend Chapter 4.1 c.: Trustee Rothchild

Second: Trustee Epstein

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

No one from the public spoke.

Motion to close the public hearing: Trustee Esmay

Second: Trustee Rothchild

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

Discussion: Brief discussion

Motion to amend Ordinance 4.1 c. amending the time you may put trash receptacles curbside: Trustee Epstein

Second: Trustee Rothchild

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

**Tree Preservation Law**

Mayor Tarapata noted this law is being updated to for steep slopes and for removal of a large number of trees

Motion to set public hearing for January 21, 2021 for the new Tree Preservation Law to replace the current Tree Maintenance and Management Operations law:

Trustee Esmay

Second: Trustee Dodge

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

**Discussion**

Leaf Blower/Noise Ordinance – The Board obtained and reviewed the local law from Dobbs Ferry for discussion purposes and as an example and no motion will

be taken up. No proposed law has been written for Upper Nyack.

Those who spoke: Peggy Kurtz, Alan Bigelow

Discussed seasonal ban, distinguishing between electric and gas mowers and what will be the next steps?

Mayor Tarapata encouraged people to review the Dobbs Ferry law and email her with any suggestions.

Truck Routes and Local Deliveries – The Mayor noted that truck traffic is being diverted through Upper Nyack when using Google maps. Route 9W is the only truck route. Signs have been ordered stating Local deliveries only

Annexation of properties (four) from Town of Clarkstown to Upper Nyack, located on west side of Route 9W and changing their zoning to LO

Property owners must sign petition and verification to be submitted to the Town Board. The County will work with Village on the mapping. SEQRA will need to be done. On Tuesday, January 26, 2021 there will be a joint meeting via Zoom, of the Town of Clarkstown Town Board and the Village Board. The properties will be rezoned to LO district by local law by the Village.

#### VILLAGE ELECTION:

No Registration Day – Trustee Dodge made a motion that there will be no separate registration day in 2020, Election Law §15-118(3), seconded by Trustee Esmay and so moved.

Polling Place & Hours - Trustee Dodge made a motion that the Village of Upper Nyack, Village Election, will be held in the Old Stone Meeting House (OSMH) on Tuesday, March 16, 2021 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Esmay and it was so moved.

Inspectors of Election – Trustee Dodge made a motion to appoint the following Inspectors of Election for the March 16, 2021 Village Election per Election Law §15-116(1) and to pay them \$15.00 per hour : Dorina Maragliano, Carol Curto, Martha Desir, seconded by Trustee Epstein and so approved.

Carol Curto will serve as the Chairperson of the Inspectors.

On a call for a vote on the motions:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

#### EMPLOYEE HANDBOOK UPDATE-

The Board discussed at the recent workshop. The Civil Service Law section was removed.

Jillana Sinnott wished to comment that the provision for health insurance after retirement was removed.

Mayor Tarapata noted that it was done on the recommendation of the Treasurer during the budget process. The Board can revisit.

Motion to accept the changes and amendments to the Employee Handbook as presented to the Board: Trustee Rothchild

Second: Trustee Dodge

Vote: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

Trustee Epstein made a motion to adjourn, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

NOES: None

The meeting was adjourned at 9:04 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk