

REGULAR MEETING

July 16, 2015

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, July 16, 2015 at 7:00 PM.

Those present: Mayor Hindin, Trustees Diamond, Esmay, Nye & Tarapata
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis;
Jillana Sinnott

Absent: None

Other's identified: PO Valerio-CPD; David Dillon; Addison Chappell;
Petrina Koblin

POLICE REPORT – PO Valerio appeared before the Board to discuss recent incidents in the Village.

Discussed: Report of criminal mischief (car hit a sign on North Broadway and drove away); House at 615 N. Bway. Advertised on Craig's List for rent. A couple approached the owner as the renters. The owner contacted the Police. The couple had not given any money yet. It was a scam.;

Dumping on Radcliffe (follow-up to previous complaint-nothing new to report). No further reports of anyone in the abandoned house;

Larchdale- overnight parking;

Mayor Hindin inquired about V& T summonses for the Village. Mayor Hindin noted that in the past the average # of tickets was 40-50 but that stopped after the court ended. PO Valerio suggested that the Police sometimes have grants that cover issues like seat belts, cell phones etc that allow for more enforcement of issues and tickets #'s go up. He will check.

David Dillon, 415 Cedar Avenue, and Addison Chapelle, 416 Cedar Avenue appeared before the Board to question why a "No parking" sign had been placed at the dead end of Cedar Avenue?

They have always parked there and want to know why it has been changed? Mr. Dillon know that there was a drainage problem and there was a drainage ditch. Mr. Dillon feels the stones placed there are a hindrance to the parking. He would like to find a way to accommodate the DPW and the residents. PO Valerio noted that a drainage issue was for someone else's expertise. He can only address the safety issue of having a large truck backing up the roadway.

Mayor Hindin will speak to the Village Engineer to her his idea on the drainage and if there is a "middle ground"?

MINUTES – Trustee Nye motioned that the Board accept the minutes of the **Regular** meeting of **June 18, 2015**, seconded by Trustee Diamond and so moved.

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

NOES: None

Trustee Tarapata motioned that the Board accept the minutes of the **Special** meeting of **June 25, 2015**, seconded by Trustee Diamond and so moved.

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

NOES: None

ABSENT: None ABSTAIN: Trustee Nye (not in attendance)

Nyack Hospital Foundation

Blow Away Breast Cancer Run & Walk Sunday, October 11, 2014, 8 am to 10:30 am

Mayor Hindin noted that we have received a request from Nyack Hosp. foundation regarding their annual charity walk run and have been provided with a map and their liability insurance information.

Trustee Tarapata motioned to approve the request for the Nyack Hospital Foundation Blow Away Breast Cancer Run & Walk on Sunday, October 12, 2014, and that they have provided proper liability insurance and notified the Clarkstown Police for traffic control, seconded by Trustee Nye and it was so moved. The Clerk will notify appropriate agencies of the event.

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

NOES: None

ABSENT: None

RESOLUTION-VILLAGE JUSTICE COURT AUDIT

Mayor Hindin addressed the Board and the public about the recent audit performed by the auditor that is done yearly and noted, with the Justice Court having been abolished, this would be the last audit.

Trustee Tarapata made a motion that the Board review the report and accept the Justice Court Audit as prepared by Marvin Nyman & Company for the fiscal year June 1, 2014 –May 31, 2015 and further that said Audit and resolution in the minutes be forwarded to the NYS Office of Court Administration, seconded by Trustee Nye and so moved.

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

NOES: None

7:30 PM Public Hearing

Amending Article III, Section 6.7- Flag Lots

Mayor Hindin opened the public hearing. No one from the public attended.

Mayor Hindin asked for a motion to close the hearing.

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

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

NOES: None

The Village Attorney and the Board discussed that there was a typo in the law when it was originally filed that eliminated two words and amending the law will correct and add back the omitted words.

Trustee Tarapata made a motion that the Board accept the changes, seconded by Trustee Esmay and so moved.

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

NOES: None

TREASURER'S REPORT – submitted for review

The Board was informed of the following: Approximately 50 tax bill remain unpaid. Notices were mailed out on 07/15/15; 2 payments have been made to Gemrose Utility for the sewer repair & replacement project; year-end balance is not available until the auditors are finished; new Abstract of Audited vouchers document in use

VOUCHERS – Read and approved for payment.

FENCE- Lewis Maresca, 505 Spook Hollow Rd

Mr. Maresca came before the Board to request permission for a fence he installed to remain in the Village right-of-way.

The Village Attorney noted that Mr. Maresca should supply photos and allow the DPW to give input. Village Attorney Lewis explained that a license agreement can be drawn up between the Village and Mr. Maresca to allow the fence to remain. He also noted it is not uncommon in the Village. No Board members objected to the fence remaining in the right of way. Village Attorney Lewis will draw up the agreement once he has the photos and input from the DPW.

Petrina Koblin, 214 Jewett Road, requested to appear before the Board to discuss the possibility of having the Village plow Jewett Rd and charge back to the residents.

Mrs. Koblin explained that the land on Jewett Rd was subdivided in the 1960's and the roadway was built. The surveyed road was supposed to connect North Midland Avenue to Route 9W. That never happened and the

road was never dedicated. The road remains private and connects to Palmer. Legally she cannot get all the homeowners to participate and help with the cost. Mrs. Koblin is asking the Village again to plow Jewett Rd and attach a monetary stipend to their village tax bills to cover the cost.

Village Attorney Lewis noted to her that the Village cannot expend village funds on private property

Trustee Esmay questioned whether the Village could create a "snow plow" district?

Trustee Tarapata wondered what would the liability to the Village be?

Trustee Esmay noted that the Village could float a bond and create a special district and repair the road. The money can be attached as a special tax to be paid by individual homeowners.

It was discussed that the Board should check with NYCOM and get input from the DPW, and check with insurance regarding the liability issue.

The Village will investigate what the law will allow.

The Board also discussed other private roads in the village.

Trustee Nye reported that as the Safety Coordinator for the Board, she had visited the DPW and met the employees. Trustee Nye also discussed the recommendations from Comp Alliance for the Village and DPW with regards to safety.

Motion to adjourn by Trustee Tarapata, seconded by Trustee Nye and so moved. The meeting was adjourned at 8:50 PM

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

NOES: None

Respectfully submitted

Carol G. Brotherhood
Village Clerk