

REGULAR MEETING
March 20, 2014

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, March 20, 2014 at 7:00 PM.

Those present: Mayor Esmay, Trustees, Diamond, Morgan & Tarapata
Village Clerk: Carol G. Brotherhood; Village Attorney: Robert P. Lewis Esq.
Absent: Trustee Hindin, Village Treasurer Barry MacCartney
Others identified: PO Hodges CPD; No one else from the public attended.

POLICE REPORTS – Officer Hodges presented the Board with the monthly Police reports for January and February.

January: Break in at Casa del Mare. Memorabilia item taken. No surveillance video on premises. Will review footage taken from camera of business to the south;
Unauthorized use of a debit card; **Summit School**- several harassment incidents; student wanting to harm himself

February: Attempted break-in; Temple Beth Torah-harassment; dispute between tow truck driver and client; **Summit School**- Harassment

MINUTES Trustee Morgan made a motion to approve the minutes of the **02/20/2014 Regular meeting**, seconded by Trustee Tarapata and with no further discussion, so moved.

AYES: Mayor Esmay, Trustees Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

ABSTAIN: Trustee Diamond

REQUEST FOR STREET CLOSING – GOOSETOWN BAZZAR
Saturday, May 3, 2014

Trustee Tarapata 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, May 3, 2014 and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Morgan and so approved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None ABSENT: Trustee Hindin

The Village Clerk will send a letter notifying the residents of North Broadway, Perry Lane, Tompkins Court and lower Castle Heights Avenue of the closing. The Clerk will also notify the Clarkstown Police liaison officer so that auxiliary police can be provided. The Village of Upper Nyack DPW will supply saw horses to block off the street.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

RESOLUTION ABOLISHING UPPER NYACK JUSTICE COURT

Discussion: The Mayor and Board discussed abolishing the UN Justice Court and noted that they have deliberated on this subject many times over the past 5 years. The Village Attorney noted that their decision would not be irreversible.

Vote: AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin (Trustee Hindin sent an email in support of the resolution which was read into the record and that is attached to the minutes.)

RESOLUTION OF THE VILLAGE OF UPPER NYACK, NEW YORK

WHEREAS, the Upper Nyack Justice Court expenses have always exceeded the income generated by the Upper Nyack Justice Court, and

WHEREAS, new laws and requirements may necessitate additional personnel to administer the daily running of the Court, and

WHEREAS, update of the Village Hall building for security purposes is cost prohibitive or would have to rely on successful grant requests, and

WHEREAS, closure of the Court is consistent with the State's mandate for shared services, and

WHEREAS, Village taxpayers currently pay tax to support the Town of Clarkstown Town Court, and

WHEREAS, the Board of Trustees of the Village of Upper Nyack deems it necessary and proper to abolish and terminate the Upper Nyack Village Court System and the positions of Village Justice, Acting Village Justice and Village Justice Court Clerk, pursuant to its authority under Village Law Section 3-301(2) (a).

NOW, THEREFORE, be it resolved, subject to permissive referendum, that, pursuant to the authority granted by Section 3-301(2) (a) of the Village Law, the office of Village Justice is hereby abolished effective April 1, 2015, and be it

FURTHER RESOLVED, that the Village Clerk of the Village of Upper Nyack shall, in the same manner as is provided for notice of a general Village election, post and publish a notice of the passing of this resolution by the Board of Trustees, which sets forth the date of the abolishing of the Village Justice and Village Justice Court and a copy of this resolution indicating that such resolution is subject to a permissive referendum.

Motion made by Trustee Diamond and seconded by Trustee Morgan passed unanimously on the 20th day of March, 2014.

Carol B. Brotherhood
Village Clerk
Village of Upper Nyack

TREASURER'S REPORT –Submitted the report for review.
VOUCHERS – Read and approved for payment.

A report of the Board of Assessment Review was received.

TENTATIVE BUDGET -SET PUBLIC HEARING DATE

Trustee Morgan made a motion that the Village Clerk will publish a notice of public hearing for the tentative budget to be held on April 17, 2014 at 7:30 PM, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

BID # S-01-2014 2014 SEWER IMPROVEMENTS
Bid Opening, March 11, 2014, 11:00 AM

Those present: Carol G. Brotherhood-Village Clerk, Barry MacCartney-Treasurer

Others identified: Sue Henning-Gemrose Utility LLC; Nick Sozurich-Morano Bros.; Elaine Collishaw-Victor P. Zugibe Inc.; Carl Wortendyke-CalMart Inc.

The Village Clerk read the public Notice to Bidders.

Five (5) sealed bid(s) were (was) received, opened and read aloud as follows:

| <u>Bidder</u> | <u>Item 1</u> | <u>Item 2</u> | <u>Total</u> |
|--|---------------|---------------|--------------------|
| Cal Mart Enterprises Inc. 4 Burts Road Congers, NY 10920 | \$573,598 | \$25,000 | \$598,598 |
| Victor P. Zugibe, Inc. 66 West Railroad Avenue Garnerville, NY 10923 | \$768,500 | \$25,000 | \$793,000 |
| Gemrose Utility LLC 211 Laroche Avenue Harrington Park, NJ 07640 | \$550,000 | \$25,000 | \$575,000 |
| Montana Construction Corp. Inc. 80 Contant Avenue Lodi, NJ 07644 | \$932,000 | \$25,000 | \$957,000 |
| Morano Bros. Corp. 2045 Albany Post Road Croton-on-Hudson, NY 10520 | \$1,165,000 | \$25,000 | \$1,190,000 |

Bidding was closed at 11:07 AM

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

Trustee Tarapata made a motion that the Board accepts the bid of Gemrose Utility LLC, seconded by Trustee Morgan and so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

UNSAFE BUILDING RESOLUTION- After a discussion of a violation notice for the property located at 314 North Midland Avenue (60.17-01-17), the Board agreed that this was best handled under the prevue of the Building Inspector with respect to the NY State Property Maintenance Code, NYS Building Code and the RC Health Inspector.

DISCUSSION – VILLAGE ABORIST: Discussion moved to the workshop of March 27, 2014

PROCLAMATION – MAYORS DAY RSVP

Mayor Esmay received a request to provide a proclamation from the Board of Trustees acknowledging Mayors Day of Recognition for National Service that takes place on Tuesday, April 1, 2014, Trustee Tarapata motioned, seconded by Trustee Morgan and so moved. (Resolution Attached)

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Trustee Tarapata made a motion, Trustee Morgan seconded and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

RESOLUTION – Retirement System – Standard Day

After a brief discussion of what is considered a standard day for the Village of Upper Nyack,

Trustee Tarapata made a motion that the Board establishes the standard work day and reporting resolution for elected and appointed officials of the Village of Upper Nyack, seconded by Trustee Morgan and so moved. A form RS 2417-A is attached. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

The Board discussed the recent **Village Election** held on Tuesday, March 18, 2014, 12 noon until 9 pm, and the results were as follows:

Trustees: Joseph Diamond & Karen Tarapata – 2 year term

Village Justice: Phyllis A. Ingram

Trustee Diamond made a motion to adjourn at 9:35 PM, seconded by Trustee Morgan and it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Respectfully submitted,

Carol G. Brotherhood
Village Clerk



PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and


WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

Village of Upper Nyack

THEREFORE, BE IT RESOLVED that I, Mayor Esmay, Mayor of , do hereby proclaim April 1, 2014, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.